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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,421	06/20/2001	Un-jin Choi	1293.1218	9921

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EXAMINER

CASTRO, ANGEL A

ART UNIT	PAPER NUMBER
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2653

10

DATE MAILED: 02/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/884,421

**Applicant(s)**

CHOI ET AL.

**Examiner**

Angel A Castro

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) 6-33,35-38,42 and 45 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,34,39-41 and 43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6, 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election with traverse of Species 1 in Paper No. 9 is acknowledged. The traversal is on the ground(s) that the various embodiments are so closely related as to not require separate fields of search. This argument, however, is not found to be persuasive because each of the various disclosed species details a mutually exclusive characteristic of a disk cartridge as evidenced by the representation of each various species with a different figure or set of figures. A search for one of these mutually exclusive characteristics is not coextensive with a search for the other mutually exclusive characteristics and therefore searching for all mutually exclusive characteristics could not be done without serious burden.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 6-33, 35-38, 42, 45 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Species. Applicant timely traversed the restriction (election) requirement in Paper No. 9.

### *Priority*

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

*Specification*

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

*Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-5, 34, 40-41 and 44 are rejected under 35 U.S.C. 102(b) as being anticipated by Berscheid et al (U.S. Pat. 5,980,791).

Regarding claims 1, 34 and 44, Berscheid et al discloses a disk cartridge (figures 2-19) comprising:

a case 12, 20, housing an information recording and/or reproduction disk 16 and a shutter (shown but not labeled) which is installed on the case and selectively opened and closed to accomplish an access to the disk by a recording and/or reproduction apparatus, and a protrusion group (figure 17) having a plurality of protrusions each protruding toward the disk and formed on an inner wall of the case.

Regarding claim 2, Berscheid et al shows that the protrusion group comprises a plurality of protrusions 631 (figure 19) repeating at a predetermined interval in a predetermined pattern.

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Regarding claim 3, Berscheid et al shows that each of the protrusions stretches linearly in a radial direction of the disk (figure 9).

Regarding claim 4, Berscheid et al discloses that the protrusion group is disposed at a plurality of places at an equiangular interval in a direction of rotation of the disk (figure 17).

Regarding claims 5 and 41, Berscheid et al shows that the protrusion group comprises protrusion groups arranged in a stepped manner in a radial direction of the disk (figure 19).

Regarding claim 40, Berscheid et al shows that the plurality of protrusions are positioned linearly in the radial direction of the disk and adjacent to each other such that they form a saw tooth shape configuration (figure 19).

7. Claims 1, 34, 43 and 44 are rejected under 35 U.S.C. 102(b) as being anticipated by Leonard et al (U.S. Pat. 4,885,652).

Regarding claims 1, 34 and 44, Leonard discloses a disk cartridge (figures 1-5) comprising:

a case 1, 2, housing an information recording and/or reproduction disk 4 and a shutter 7, which is installed on the case and selectively opened and closed to accomplish an access to the disk by a recording and/or reproduction apparatus, and a protrusion group 12 having a plurality of protrusions each protruding toward the disk and formed on an inner wall of the case.

Regarding claim 43, Leonard et al shows a foreign material filters 10 positioned within the case.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berscheid et al.

Regarding claim 39, Berscheid et al discloses the disk cartridge described above.

Berscheid et al does not specifically disclose that the protrusions are positioned adjacent to each other such that they form a sine curve shape configuration. It would have been obvious to one of ordinary skill in the art at the time the invention was made to position the protrusions such that they form a sine curve shape configuration.

The rationale is as follows: One of ordinary skill in the art would have been motivated to position the protrusions such that they form a sine curve shape configuration as doing this would eliminate the step of flattening the protrusions.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wulfing et al (U.S. Pat. 5,812,351) discloses a raised region having sloped edges in a cartridge; Downey (U.S. Pat. 4,843,511) discloses a magnetic disk cassette; Mroz et al (U.S. Pat. 4,648,002) discloses a wiping system for magnetic recording disks.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angel A Castro whose telephone number is 703-308-8435. The examiner can normally be reached on Monday through Thursday, 8 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R Korzuch can be reached on 703-305-6137. The fax phone number for the organization where this application or proceeding is assigned is 703-746-6037.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.



Angel Castro, Ph.D.